NOT DESIGNATED FOR PUBLICATION
ARKANSAS COURT OF APPEALS
D.P. MARSHALL JR., JUDGE

DIVISION II

CACR06-799

25 April 2007

ANTHONY DEJUAN WHITE, APPELLANT	AN APPEAL FROM THE GRANT COUNTY CIRCUIT COURT
v.	[CR-05-85-2]
STATE OF ARKANSAS, APPELLEE	HONORABLE PHILLIP H. SHIRRON, JUDGE

AFFIRMED

When they stopped Anthony D. White for speeding, officers from the Grant County Sheriff's Department discovered that his driver's license had been suspended. They asked for and received White's consent to search his car. The officers found marijuana in the ashtray and cocaine in the console. The officers then tried to arrest White. He resisted, ran away, and was grabbed by a citizen. The officers used pepper spray to subdue White. They arrested him, and put him in the back of their police car. As he sat there, White talked to himself and made incriminating statements. A video camera in the car recorded those statements. The officers searched White's car again after impounding it. When they did, they found a pistol under the driver's seat.

Based on all this evidence, a jury convicted White of simultaneous possession of drugs and firearms, possession of a firearm by a felon, and possession of cocaine. He

was sentenced as a habitual offender to 1,320 months—110 years—in prison. On appeal, White argues that the circuit court erred in refusing to suppress evidence found during the search of his car,

refusing to suppress the statements he made in the police car, denying his motion for a continuance, and denying his motion for a directed verdict based on insufficient evidence. He does not challenge his lengthy sentence.

We first consider White's challenge to the sufficiency of the evidence. *Davis v. State*, 350 Ark. 22, 30, 86 S.W.3d 872, 877 (2002). In analyzing this issue, we consider all the evidence, including the evidence White argues should not have been admitted. *Cook v. State*, 77 Ark. App. 20, 31, 73 S.W.3d 1, 7 (2002). Substantial evidence supports each of White's convictions. The police found drugs and the pistol within arm's reach of where White was sitting in his car. White was the only person in the car when the police stopped him. He ran from the officers, indicating guilt. *Hanlin v. State*, 356 Ark. 516, 526, 157 S.W.3d 181, 187 (2004). White also made self-incriminating statements. Viewing all the evidence in a light most favorable to the State, we hold that the circuit court correctly denied White's motion for a directed verdict. *Davis*, 350 Ark. at 30, 86 S.W.3d at 877–78.

We next address White's two suppression arguments. First, White consented to the search of his car. And he does not challenge on appeal the validity of his consent. We therefore affirm the denial of White's motion to suppress the evidence found in the car. Second, although White made incriminating statements while in custody and before receiving *Miranda* warnings, White spoke voluntarily and spontaneously. The presence of the video camera was happenstance. Therefore, the circuit court's refusal to suppress the statements was not clearly against the preponderance of the evidence. *Stephens v. State*, 328 Ark. 81, 85, 941 S.W.2d 411, 413 (1997).

To determine voluntariness, which the State had to prove, we look at the statements of the interrogating officers and the vulnerability of the defendant. *Stephens*, 328 Ark. at 85, 941 S.W.2d at 413. Here, the officers testified that the video camera's yellow light was visible to White, who made the statements while sitting alone minutes after the officers put him in the car. White asserts no special vulnerability. Like the circuit court, we conclude that White made the statements voluntarily, not as

the result of any deception, coercion, or intimidation. The statements were also spontaneous because the officers were not interrogating him. *State v. Pittman*, 360 Ark. 273, 276, 200 S.W.3d 893, 896 (2005).

White also argues that he had an expectation of privacy in the back of the police car. No one facing a running video camera, however, can expect what he says to himself to be private. And the backseat of a car owned by someone else is not the kind of place where a reasonable person would expect privacy. *Koonce v. State*, 269 Ark. 96, 98, 598 S.W.2d 741, 742 (1980).

Finally, the circuit court did not abuse its discretion in refusing to grant White's belated motion for a continuance. *State v. Vittitow*, 358 Ark. 98, 104, 186 S.W.3d 237, 241 (2004). White filed his motion on the day of his trial, arguing that he needed additional time to hire private counsel and have an expert evaluate the videotape. The circuit court concluded, however, that White's appointed counsel was a "conscientious[,] well prepared public defender" who was ready for trial. Because the court considered the adequacy of White's appointed attorney, and because White waited until the day of trial to file his motion, the circuit court did not abuse its discretion in denying a continuance.

Affirmed.

GRIFFEN and BAKER, JJ., agree.